

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Mr. Andre Youngblood,	)	
	)	
Plaintiff,	)	C.A. No. 0:23-1027-HMH-PJG
	)	
vs.	)	<b>OPINION &amp; ORDER</b>
	)	
	)	
Mr. Richard M. Gergel; Mr. Dean H. Secor,	)	
	)	
Defendants.	)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Paige J. Gossett made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.<sup>1</sup> Andre Youngblood (“Youngblood”), a federal prisoner proceeding pro se, asserts pursuant to 42 U.S.C. § 1983, that the Defendants violated his constitutional rights. In her Report and Recommendation filed on May 3, 2023, Magistrate Judge Gossett recommends dismissing this action with prejudice under 28 U.S.C. § 1915(e) and § 1915A and without issuance and service of process. (R&R, generally, ECF No. 17.)

Youngblood filed an untitled document which the court construes as timely objections to the Report and Recommendation.<sup>2</sup> (Objs., ECF No. 21.) Objections to the Report and

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<sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

<sup>2</sup> See Houston v. Lack, 487 U.S. 266 (1988).

Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Youngblood's objections are non-specific, unrelated to the dispositive portions of the magistrate judge's Report and Recommendation, or merely restate his claims. Therefore, after a thorough review of the magistrate judge's Report and the record in this case, the court adopts Magistrate Judge Gossett's Report and Recommendation and incorporates it herein.

It is therefore

**ORDERED** that this action is dismissed with prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
Senior United States District Judge

Greenville, South Carolina  
May 23, 2023

#### **NOTICE OF RIGHT TO APPEAL**

The Plaintiff is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.